IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17712 of 2004

Between:

A. Sivaram Prasad, S/o. Nagaiah,
R/o. Rayapudi Village, Thullur Mandal, Guntur District.

..... PETITIONER

AND

1 The Assistant Commissioner, Endowments Dept., Guntur.
2 The Executive Officer, Sri Someswara Swamy Temple,
Rayapudi Village, Thullur Mandal, Guntur District.
3 The State of Andhra Pradesh, rep. by its Principal Secretary,
Endowments, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of writ of Mandamus and declaring the action of the respondent i.e., conducting auction of the land of Sri someswara Swamy and Veerabhadra Swamy Temples, Rayapudi Village, Thullur Mandal, Guntur District, admeasuring 14 acres, while revision is pending with the 3rd respondent and in between agricultural year and that thee is standing crop, is contrary to land arbitrry and illegal and consequently direct the respondent not to conduct and finalise the auction dt. 30.09.2004.

Counsel for the Petitioner:MR.A.RAGHAVAIAH

Counsel for the Respondent Nos.1 and 3: GP FOR ENDOWMENTS

Counsel for the respondent No.2: Ms. N.Indrani

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.17712 OF 2004

ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Government Pleader for Endowments appearing for the respondents 1 and 3 as well as the learned Standing Counsel appearing for the 2nd respondent.

The petitioner seeks a Writ of Mandamus declaring the action of the respondents in conducting auction of the land belonging to the 2nd respondent – temple as arbitrary and illegal.

The petitioner claims to be a cultivating tenant of 2nd respondent Temple. Though he claimed that he is a landless poor and thus entitled to the benefit under Section 82 (2) of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short, 'the Act'), the said claim was rejected by the 1st respondent by order dated 24-06-2003. His Appeal was also dismissed by the Regional Joint Commissioner, Tirupati on 31-01-2004.

The only contention raised by the petitioner in this writ petition is that since the Revision filed by him against the order of the Regional Joint Commissioner is pending before the Government, the respondents are not justified in putting the leasehold rights of the land in question to auction.

Except his own statement in the affidavit, nothing has been placed before this Court to show that such a Revision is pending before the third respondent. As a matter of fact, maintainability of the Revision Petition itself is in dispute since under Rule 4 of

the Rules made under the Act, the order of the Regional Joint Commissioner in an Appeal against the order of the Assistant Commissioner of Endowments is final. At any rate, even according to the version of the petitioner, the Revision Petition was filed before the third respondent only on 29-09-2004, whereas the Appeal was dismissed on 31-01-2004. There is absolutely no explanation for the said delay on the part of the petitioner. Having allowed the order of Regional Joint Commissioner to become final, the petitioner cannot invoke the extraordinary jurisdiction of this Court at this stage, to stall the auction proceedings. The Writ Petition is misconceived and devoid of merit.

Accordingly, the Writ Petition is dismissed. No costs.

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01-10-2004

mjl

To

1. The Assistant Commissioner, Endowments Dept., Guntur.
2. The Executive Officer, Sri Someswara Swamy Temple,
   Rayapudi Village, Thullur Mandal, Guntur District.
3. The Principal Secretary, Principal Secretary, Endowments, Hyderabad.
4. 2 CCs to G.P. for Endowments, High Court of A.P.Hyderabad. (OUT)
5. 2 CD copies.